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C O N F I D E N T I A L SECTION 01 OF 02 ABUJA 001233

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TAGS: [PREL](#) [PGOV](#) [PTER](#) [PHUM](#) [NI](#) [DOMESTICPOLITICS](#)

SUBJECT: CHIEF JUSTICE UNDER ATTACK

REF: A. LAGOS 637 AND PREVIOUS

[B](#). ABUJA 725

[C](#). ABUJA 1190 AND PREVIOUS

[D](#). ABUJA 581

Classified By: AMBASSADOR JOHN CAMPBELL. REASONS 1.5 (B & D).

[1](#). (C) SUMMARY: Nigeria's Chief Justice of the Supreme Court Muhammadu Uwais met with Ambassador last week at his residence. Uwais laid out a story of interference in the judiciary and attempted manipulation and intimidation by the Presidency. He claimed that accusations that he accepted bribes in an earlier case had been followed by attempts to deposit large sums of money into his bank account to implicate him. "I have not asked Obasanjo for anything and he feels that I cannot be controlled like others," Uwais said. He commented that he wanted to relate the story to the Ambassador so that "someone knows what is happening here" in case "something happens" to him. After the meeting at the Ambassador's residence, an invitee who came with the Chief Justice was contacted by State Security Services (SSS) and queried about the meeting. The judiciary at the Federal level remains relatively free from corruption and the Chief Justice has shown his concern over the past few years with restoring its image. At the state and local level, the judiciary is of varied quality, with many judges in place through political manipulation and subject to bribery and coercion. END SUMMARY.

[2](#). (C) Nigeria's Chief Justice (CJ) of the Supreme Court Muhammadu Uwais met with Ambassador last week at his residence. The meeting, while part of the Ambassador's scheduled round of introductory visits, was initiated by Uwais. Uwais brought a relative to the meeting and Ambassador was accompanied by A/PolCouns. Uwais appeared relaxed and seemed to relish the exchange of pleasantries preceding lunch. At the table, however, he laid out a story of interference in the judiciary and attempted manipulation and intimidation by the Presidency.

[3](#). (C) Uwais said that he and other Supreme Court justices were experiencing "pressure and harassment" from President Obasanjo due to Presidency concerns that the court may not "do his bidding." The story begins with the tale of Delta Governor James Ibori and his alleged conviction for stealing roofing materials and Uwais spoke in great detail about the case. According to Uwais, a group of ruling PDP members decided they did not want Ibori to contest the governorship of Delta for a second term in 2003, but were unable to manipulate the nominating process in Delta state against him. Failing that, two PDP "members" filed a suit alleging that Ibori had been convicted in a court in the Federal Capital Territory (FCT) in the mid-1990's and was therefore ineligible to run for office. This case was not resolved before the 2003 elections and, along with an election tribunal case against Ibori, elements of it linger on without resolution (REF A). Uwais said that Ibori personally visited him to alert him of the attempt to bar him from office and asked for the Chief Justice's assistance and gave Uwais a copy of a letter Ibori planned to deliver to Obasanjo.

[4](#). (C) After the Ibori visit, Uwais instituted an investigation of the matter at the Bwari district court in the FCT. Two of the three judges serving on the panel recalled the case and confirmed that, in fact, Ibori had been convicted in the theft. (NOTE: Uwais said the third judge's whereabouts were unknown as he had retired. END NOTE.) Later, Obasanjo directed the FCT police to investigate the case. The police came to the opposite conclusion, that no case had been entered against Ibori and that the court clerks had been paid to falsify the records.

[5](#). (C) While these investigations were continuing, a previously unknown group calling itself the "Derivation Front" alleged that Uwais and other judges had been bribed. When the justices reported the matter to the police, an "investigation" was launched. The police, using the INTERPOL unit within the force, concluded that nothing could be done about the allegations because the address and phone number on the letter were false (REF B). When Uwais pointed out that there were other names, including the signatories to the letter and an attorney representing the group, the police dragged their feet and made no efforts to investigate further without prodding from the Court. Uwais says that it is

obvious that Obasanjo is behind the efforts to have Governor Ibori removed because the President's "crony and attorney" Afe Babalola is leading the case against the governor and speculated that elements "in the Presidency" were behind the Derivation Front as well. Uwais, ignoring the allegations, chose to sit on the panel that heard the appeal to the Supreme Court and deal with the allegations directly. When he opened the hearing of the case, Uwais announced that the allegations were untrue and the organization making them was a front group sponsored to attack the integrity of the court.

16. (C) In a new development, Uwais claimed that this earlier case had been followed by attempts to deposit large sums of money into his bank account to implicate him. Uwais claimed his daughter had received a call from a friend, an attorney named Lanre Williams. Williams then called Uwais and explained that the SSS had been tasked with finding the CJ's vulnerabilities, including bank account numbers and properties with an eye to tarnishing his image. Williams claimed that a friend of his in the SSS had asked Williams to alert the CJ because he "respects the CJ and doesn't agree with his orders." Uwais says that he consulted with the other justices and the group decided not to approach the police "as they work for the President and are incompetent."

17. (C) Asked for a reason for the interference, Uwais posited, "I have not asked Obasanjo for anything and he feels that I cannot be controlled like some others." He claimed that Obasanjo is nervous about the Supreme Court because of the Presidential Election Tribunal, which will end up in the Supreme Court regardless of its outcome at the Federal Court of Appeals (REF C). Uwais said a friend reported that Obasanjo had told a group of his supporters during a strategy meeting that "that man (Uwais) can not be dealt with." Uwais speculated that if the pressure was coming from the Presidency, Obasanjo "must be behind it" as nothing happens without his knowledge.

18. (C) Uwais said that he approached the Embassy to relate the story to the Ambassador so that "someone knows what is happening here" in case "something happens" to him (REF D). He claimed that he was committed to improving the reputation of the judiciary and beginning the task of cleaning up the dishonest judges throughout all levels of the system. He asserted that, given his age and position, he wanted nothing more than a "good reputation."

19. (C) NOTE: After the meeting at the Ambassador's residence, the other guest was contacted by State Security Services (SSS) and queried about the meeting. END NOTE.

10. (C) COMMENT: The judiciary at the Federal level remains relatively free from corruption and the Chief Justice is not known to be corrupt. He has shown his concern over the past few years with restoring the image of the judiciary and has been known to stand up to efforts at controlling the courts. The justices are appointed by the President and serve for life unless removed by a judicial council, a complicated process involving dozens of judges and attorneys. At the state and local level, judges serve at the whim of the sitting governors, and they are of varied quality. Many were appointed as political favors, and most are subject to bribery and the threat of capricious removal. While the reputation of the Federal Courts has improved in the past few years, much of the public remains skeptical. Without public support and freedom from political intimidation, the courts' efforts to instill rule-of-law, a necessity for Nigeria's struggling democracy, will be limited.

CAMPBELL